

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

**DEBRA SPERO, as Natural Mother of  
V.S., an infant,**

Plaintiffs,

v.

**VESTAL CENTRAL SCHOOL DISTRICT  
BOARD OF EDUCATION, VESTAL CENTRAL  
SCHOOL DISTRICT, JEFFREY AHEARN,  
Superintendent of Schools, ALBERT A. PENNA,  
Interim Principal of Vestal High School,  
DEBORAH CADDICK and CLIFFORD KASSON,  
in their Individual and Official Capacities,**

Defendants,

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STATE OF NEW YORK      )  
                              ) ss.:  
COUNTY OF BROOME      )

ALBERT PENNA, being duly sworn, deposes and says:

1. I am the interim high school principal for Defendant Vestal Central School District (hereinafter "District"), having served in that position during the time period relevant to this affidavit, and am individually named as a defendant in this litigation. I make this affidavit of my own personal knowledge and am fully competent to testify as to all matters herein.

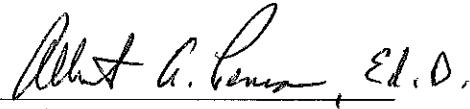
2. No complaint pursuant to the Dignity for All Students Act (DASA) was ever submitted by Plaintiff Vincent Spero or his family to my knowledge, and certainly not in the 2016-2017 school year.

3. I made the decision to suspend Plaintiff for five days based on comments he made on December 1, 2016, with the apparent intent to intimidate classroom teacher Katharine Dyer.

**AFFIDAVIT OF ALBERT PENNA**

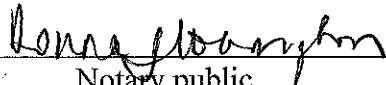
Civil Action No.: 3:17-cv-00007  
(GTS/DEP)

4. Although I issued a suspension letter indicating the District was considering whether to conduct a superintendent's hearing, no decision was made to conduct a superintendent's hearing based on Plaintiff's December 1 intimidation efforts.



**Albert Penna**

Sworn to before me this 28  
day of May, 2019.



Notary public

DONNA J HARRINGTON NOTARY PUBLIC, STATE OF NEW YORK NO. 01HA6018733 QUALIFIED IN BROOME COUNTY COMMISSION EXPIRES JANUARY 19, 20 <u>23</u>
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